

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RED BARN MOTORS, INC., PLATINUM
MOTORS, INC., and MATTINGLY AUTO
SALES, INC., individually and on behalf of
other members of the general public similarly
situated,

Plaintiffs,

v.

NEXTGEAR CAPITAL, INC. F/K/A DEALER
SERVICES CORPORATION,

Defendant.

Case No. 1:14-cv-01589-TWP-DLP

DEFENDANT NEXTGEAR CAPITAL, INC.'S
MOTION FOR TELEPHONIC STATUS CONFERENCE

Defendant NextGear Capital, Inc. (“NextGear”) respectfully requests that the Court hold a telephonic status conference to address how the case should proceed following remand.

The parties have submitted statements of position outlining their views of the status of the case following the decision of the U.S. Court of Appeals for the Seventh Circuit. [Docs. 275, 277.] NextGear believes that Plaintiffs have misrepresented NextGear’s position and framed various issues in a misleading way. Rather than submit additional briefing to respond to Plaintiffs’ position statement, NextGear submits that it would be most efficient for the Court to convene a telephonic status conference to address the parties’ competing views of how the case should proceed at this critical juncture.

Respectfully submitted, this 27th day of March, 2019.

s/ Tracey K. Ledbetter

David J. Jurkiewicz (18018-53)
Paul D. Vink (23785-32)
BOSE McKINNEY & EVANS LLP
111 Monument Circle, Suite 2700
Indianapolis, IN 46204
(317) 684-5000
(317) 684-5173 fax
djurkiewicz@boselaw.com
pvink@boselaw.com

Jason S. McCarter (*pro hac vice*)
Tracey K. Ledbetter (*pro hac vice*)
EVERSHEDS SUTHERLAND (US) LLP
999 Peachtree Street, NE, Suite 2300
Atlanta, GA 30309-3996
(404) 853-8000
(404) 853-8806 fax
jasonmccarter@eversheds-sutherland.com
traceyledbetter@eversheds-sutherland.com

*Attorneys for Defendant NextGear Capital,
Inc. f/k/a Dealer Services Corporation*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served upon the following counsel of record via the Court's electronic service notification system, this 27th day of March, 2019:

Ryan D. Adams
James M. Garner
Matthew M. Coman
Jacob A. Airey
SHER GARNER CAHILL RICHTER
KLEIN & HILBERT, L.L.C.
radams@shergarner.com
jgarner@shergarner.com
mcoman@shergarner.com
jairey@shergarner.com

Cassie E. Felder
THE CASSIE FELDER LAW FIRM
cassie@cassiefelderlaw.com

Kathleen A. DeLaney
DELANEY & DELANEY LLC
Kathleen@delaneylaw.net

Catherine E. Lasky
Kerry A. Murphy
LASKY MURPHY LLC
klasky@laskymurphy.com
kmurphy@laskymurphy.com

Gladstone N. Jones, III
Lynn E. Swanson
JONES, SWANSON, HUDDELL &
GARRISON, LLC
gjones@jonesswanson.com
lswanson@jonesswanson.com

s/ Tracey K. Ledbetter
Tracey K. Ledbetter